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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,058	04/01/2004	J. Brian Bagwell	32984-01	9636

7590 09/13/2005

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EXAMINER

NGUYEN, JIMMY T

ART UNIT PAPER NUMBER

3725

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,058

Applicant(s)

BAGWELL, J. BRIAN

Examiner

Jimmy T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10 and 12 is/are rejected.
- 7) ☒ Claim(s) 5 and 11 is/are objected to.
- 8) ☒ Claim(s) 13-15 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/14/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayfield (US 3,593,654).

Regarding claim 1, Mayfield discloses a compaction system comprising: a forklift apparatus (fig. 2); and a compaction weight (30), wherein the forklift has a plurality of tines (F) and wherein the compaction weight has means for engaging (32) the plurality of tines so that the forklift apparatus can lift the compaction weight (fig. 2).

Regarding claims 2 and 8, the engaging means is dimensioned to receive the plurality of tines (fig. 2).

Regarding claim 7, Mayfield discloses a container (10), wherein the compaction weight is dimensioned to be received by the container (fig. 2).

Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Liberman et al. (hereinafter "Liberman") (US 3,827,587).

Regarding claim 1, Liberman discloses a system comprising: a forklift apparatus (12); and a compaction weight (36), wherein the forklift has a plurality of tines (24) and wherein the

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compaction weight has means for engaging (38) the plurality of tines so that the forklift apparatus can lift the compaction weight (fig. 1). Note that the Examiner interprets the container (36) as the compaction weight because the container is a heavy element that can compact a material when the material is being placed under the container.

Regarding claims 2 and 8, the engaging means is dimensioned to receive the plurality of tines (fig. 1).

Regarding claim 7, Liberman discloses a container (6), wherein the compaction weight is dimensioned to be received by the container (fig. 1).

Regarding claims 3 and 9, Liberman discloses the weight includes a top surface (see fig. 1), inherently includes an opposing bottom surface to contain material, and includes sidewalls (col. 3, line 55) in a connection as claimed to form the container.

Regarding claims 4 and 10, the engaging means is formed integrally with the top surface (via the sidewalls).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayfield in view of Reed et al. (hereinafter "Reed") (US 5,692,583). Mayfield discloses that the compaction weight is being used to transport the bale to another locations (col. 1, lines 54-

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55), Mayfield does not disclose means for securing the compaction weight to the forklift apparatus. However, the patent to Reed teaches an element (fig. 3) having means for engaging (18', 20') a plurality of tines (12, 14), wherein the element is being used to transport material, Reed teaches means for securing (26, 28) the element to the forklift apparatus in order to prevent the element from sliding off the tines (col. 3, lines 1-3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Mayfield with a securing means, as taught by Reed, in order to prevent the compaction weight from sliding off the tines when transporting the material.

Allowable Subject Matter

Claims 5 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 13-15 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached PTO 892 are cited to show various heavy elements being lifted by a forklift.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen
September 08, 2005



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
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